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HAHN LOESER & PARKS, LLP One GOJO Plaza Suite 300 AKRON, OH 44311-1076			EXAMINER JULES, FRANTZ F	
			ART UNIT 3617	PAPER NUMBER

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GROUP 3600**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/650,388
Filing Date: August 29, 2000
Appellant(s): COSLOVI ET AL.

Michael H. Minns
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 05/16/2005.

(1) Real Party in Interest

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A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

None

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

5,782,187	Black, Jr et al	07-1998
5,836,028	Petersen	11-1998
3,195,478	Thompson	07-1965

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 3-7, 9-10, 13-15, 20, 23, 24-26, 29-32 are rejected under 35

U.S.C. 102(b) as being anticipated by Black, Jr et al (US 5,782,187).

Claims 3-7, 9-10, 13-15, 20, 23, 24-26, 29-32

Black Jr et al teach all the limitations of claims 3-7, 9-10, 13-15, 20, 23, 24-26, 29-32 by showing in figs 1-9, a railroad car bridge plate operable to permit a vehicle to be conducted between two rail road cars (22a, 22b) as disclosed in col. 9, lines 45-50 and fig. 6, said bridge plate (32) comprising a beam locatable in a longitudinal orientation of sufficient length to span a gap between a pair of adjacent railroad cars (22a, 22b), said beam having an upwardly facing track surface or flange (34) for vehicle to ride on, said beam having a first pivot fitting (102a) allowing mounting of the beam to the railroad car (22a), said beam having a second fitting (102b) for engaging a second railroad car (22b), said fittings being operable to accommodate yawing of said beam relative to the first or second railroad cars (22a, 22b) when said beam is located in the longitudinal orientation, and the railroad cars in motion and one of said first and second fittings and said fitting permitting movement in a cross-wise orientation relative to the first railroad car when said beam is disengaged from the second railroad car.

The yawing motion of the beam in a direction transverse to the longitudinal plane of the railcars will result whenever the two railroad cars are to be disconnected since a polymeric collar (111) is provided around the member (102) as shown in fig. 8 for low

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friction sliding of each of the fittings 102a and 102b within their respective slots 106a and 106b as disclosed in col. 9, lines 51-53.

The first and the second railroad cars are releasably coupled to one another or are disengageable since a threaded connection is used to connect the bridge plate to the railroad cars. Moreover,

said fitting consisting of collars (111, 102) for receiving a vertical pivot pin (105), said bridge plate being translatable relative to said second axis whenever one of the pivot pins is removed since a threaded bolt member (105) is used to connect the bridge plate (32) to the railcar (22a or 22b), see fig. 8.

4. Claims 8, 12, 18, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Black Jr et al'187 in view of Thompson'478.

Claims 8, 12, 18, 28

Black Jr et al teach all the limitations of claim 8, 12, 18, 28 except for a railroad car bridge plate having traction bars on the upper surface and a hand grab mounted thereto. The general concept of using traction bars on the top surface of an Aluminum bridge plate assembly of two railroad car units is well known in the art as illustrated by Bell et al, see fig. 1, column 1, lines 60-67, column 2, lines 49-51. Also, the general concept of adding a hand grab to the bridge plate assembly of a railroad car unit is well known in the art as illustrated by Thompson'478. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Black Jr et al to include the use of traction bars on the top surface of an Aluminum bridge plate assembly in his advantageous bridge plate as taught by Bell et al in order reduce slippage on the bridge

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plate assembly thereby increasing safety. In addition, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Black Jr et al to include the use of a hand grab to the bridge plate assembly in his advantageous bridge plate as taught by Thompson'478 in order to facilitate rotation or handling of the bridge plate when the railroad cars are disconnected for service.

(11) Response to Argument

Appellant's arguments filed 05/16/2005 have been fully considered but they are not persuasive.

A. Summary of appellant's arguments

In the amendment, the appellant traversed the rejection of claims 3-10, 12-15, 18, 20, 23-26, 28-32 for the following reasons:

1. The reference cited in the 102 rejection, Black Jr et al, fails to meet the following requirements:

(a) Black shows one railroad car, not two.

(b) Black does not show the coupler ends of the railroad car.

(c) Black does not show coupler end bridge plates.

(d) Black does not show a gap between two coupled railroad cars.

(e) Black does not show bridge plates spanning the gap between the coupler ends of the two coupled railroad cars.

2. The reference cited in the 102 rejection, Black Jr et al, fails to meet the limitations bridge plates that can be disengaged from the end of the railroad cars.

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3. The claim is premised on the idea that the bridge plate can be moved from a longitudinal orientation to a cross-wise orientation, there is nothing in Black that suggests that Black's plates are, ever have been, or ever will be movable between a longitudinal position and a cross-wise position.

4. The prior art of record Black Jr et al fails to meet the requirement of claims 13-15, 20, and 23-26, 29-32 as to the bridge plates are disengageable from the adjacent railroad cars.

5. The combination rejection of Black Jr et al and Thompson is improper as Black Jr et al is designed to remain in position while Thompson is designed to remain in position.

6. There is no suggestion or motivation or reason to combine the references.

B. Response to appellant's argument

1. Regarding appellant's argument No. 1, Black Jr et al meet all the limitations of claims 3-7, 9-10, 13-15, 20, 23, 24-26, 29-32 as explained above since Black Jr et al disclose a railroad car bridge plate that spans the gap between two railroad cars as recited in the claims. The bridge plate has been identified as item number 32 in the rejection above. Also, the connection between the bridge plate (32) and the railroad cars (22a and 22b) is disclosed in col. 9, lines 45-50 of the reference and as shown in Figs. 5-6, and 8.

Appellant's argument that Black Jr et al fail to disclose a bridge plate spanning the gap between the coupler ends of the railroad cars is not understood as "a railroad car bridge plate (32) operable to permit a vehicle to be conducted between respective vehicle decks of a pair of first and second longitudinally coupled rail road cars", as recited in the claims, is disclosed by Black Jr et al. Also, appellant's argument that Black does not

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show bridge plates spanning the gap between the coupler ends of the two coupled railroad cars is not understood since fig. 6 clearly shows that the bridge plates 32 spans the gap of the 2 railroad cars 22a and 22b.

2. In response to the appellant's argument No. 2, it must be recognized that the connection for the bridge plate is such that it can be disengaged from the coupler end of the second railroad car. The connection is such that the bridge plate beam (32) is disengageable from the railroad car (22) whenever needed as explained above as shown in fig. 8 since the bridge plate is secured by bolt 105. Removal of bolt 105 permits disengagement of the bridge plate from the end of the railcar.

3. In response to the appellant's argument No. 3, it must be recognized that the bridge plates are fully capable of moving from a longitudinal orientation to a crosswise orientation since a polymeric sleeve 111 is provided around the threaded bolt and stud or bushing member 102 as shown in fig. 8 for low friction sliding of the studs 102a and 102b within their respective slots 106a and 106b as disclosed in col. 9, lines 51-53. The slot is wide enough to permit the bridge plate to slide through and in a similar manner rotation of the bridge plate is in no way hindered by the slot or any of the structure on the railroad car. Thus, the limitation of "said fittings being operable to accommodate yawing of said beam relative to the first railroad car (22a, 22b) when said beam is located in the longitudinal orientation and the railroad cars are in motion" is fully met by Black et al.

4. Appellant's argument regarding claims 13-15, 20, and 23-26, 29-32 as to the fact that "there is no enabling disclosure in Black of bridge plates at the coupler ends of two

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railroad cars where the bridge plates are disengageable from the adjacent railroad car" has been addressed in light of the fact that no permanent attachment of the bridge plate with the railroad car exists in Black Jr et al. Fig. 8 of Black Jr et al reference clearly shows a fitting assembly which receive a threaded bolt which serves the purpose of disengagement of the fitting or of the bridge plate from the railroad car.

5. Regarding appellant's argument number 5, it should be noted that the combination rejection was simply based on a teaching of a handle that is disclosed by the prior art of record, Thompson, which disclose a handle attached to the side of a bridge plate for the purpose of moving the plate out of position. A person of ordinary skill in the art would have been motivated to incorporate the handle of Thompson into Black Jr et al for the purpose of rotating the bridge plate out of position during service of the railroad cars and come up with the claim invention. Appellant's argument that the two arts are opposite in direction is weak to overcome the fact that one of ordinary skill in the art would incorporate the use of a handle into Black Jr et al.

6. In response to the appellant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, a person of

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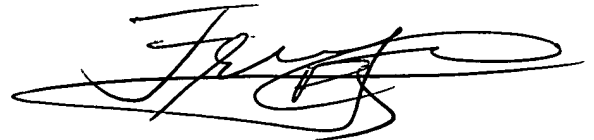
ordinary skill in the art would have been motivated to incorporate the teaching of the handle of Thompson into Black Jr et al for the purpose of rotating the bridge plate out of position during service of the railroad cars and come up with the claim invention.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Frantz F. Jules
Examiner
Art Unit 3617

FRANTZ F. JULES
PRIMARY EXAMINER



FFJ
July 1, 2005

Conferees:

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